



Appeal Decision

Site visit made on 22 October 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2024

Appeal Ref: APP/N4720/W/24/3350960

Brandon Grange Farm, Brandon Crescent, Scarcroft, Leeds LS17 9JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Christian Higgins against the decision of Leeds City Council.
 - The application Ref is 24/00767/FU.
 - The development proposed is conversion of stables to 2 bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2023) (the Framework) and any relevant development plan policies, and the effect of the development on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

3. The appeal site comprises an 'L'-shaped, timber clad stable building and hardstanding located to the northwest of Brandon Grange Farm, one of a number of dwellings scattered along Brandon Crescent. The site is enclosed by post and rail fencing, which separates it from the wider agricultural fields and is in the Green Belt. Access to the site is via a gravelled driveway which runs along the side of the garden of Brandon Grange Farm.

Whether inappropriate development

4. Saved Policy GB4 of the Leeds Unitary Development Plan (Review 2006) (UDP) relates to the change of use of buildings within the Green Belt. Parts (i) and (ii) are those most relevant to the appeal case. These criteria seek to ensure that the openness, character and appearance of the Green Belt are maintained and where proposals involve the change of use of a building that it can be shown to be of generally sound physical condition. Therefore, they are broadly consistent with the Framework and I attribute them moderate weight.

5. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 155 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. This includes criterion d) the re-use of buildings provided that the buildings are of permanent and substantial construction. There is no disagreement between the parties that the appeal building is of permanent and substantial construction. I have no reason to disagree with this finding.
7. An appeal for a similar scheme¹ at the site was dismissed in June 2022. Like the previous appeal the current proposal would not result in any significant changes to the existing stable building. It would therefore retain much of its appearance as a rural building. However, the proposal would include a hard standing area, albeit this would be contained within the L-shape courtyard area of the stable building. Compared to the previous appeal, the existing post and rail fencing would be brought closer to the stable by 2m, which reduces the overall size of the proposed garden. The cycle storage and refuse storage would be relocated in an amenity yard area between the existing hedgerow and west side of the stable building. Parking would be provided to the east of the building.
8. The appeal site is not readily available from public views, however, the openness of the Green Belt has a spatial aspect as well as a visual aspect. Therefore, the impact on openness is not necessarily related to its size but also its purpose and intensity of its use.
9. Although in close proximity to existing residential properties, the stable building is detached from Brandon Grange Farm and its domestic curtilage and therefore the remainder of the site is open in appearance. The stable building and associated structures are generally expected to be found in a rural location such as the appeal site. However, the proposed dwelling and its associated paraphernalia would give the site a more suburban appearance. This would be evident in distant views from the surrounding area.
10. I recognise that the size of the garden has been reduced from that of the previous appeal and that the cycle storage and amenity area has been relocated. Despite these changes, the proposal would still result in a more intensive use of the site with the creation of parking and greater pressure for domestic paraphernalia within its curtilage, which would harm the openness of the Green Belt. Furthermore, the proposal would only provide for a cycle rack, whereas enclosed storage would be required. Notwithstanding this, the revised location of the cycle storage would reduce the spatial openness of the site even though this would be on a very small scale.
11. The appellant contends that washing lines would not be used as provision has been made within the property for the drying of clothes, however this would not be possible to control. Furthermore, it is likely that garden furniture and play equipment would be introduced, which would harm the visual openness of

¹ APP/N4720/W/22/3305552

the site. These domestic changes would cause limited harm to the visual openness of the Green Belt when compared to the existing situation.

12. The openness of the site would also be harmed by the more intensive use of the site for the parking of vehicles. The appellant puts forward that when the stable block was in use that there would be horse boxes and vehicles and therefore plenty of comings and goings. Nevertheless, given the small-scale of the stable and its associated use with Brandon Grange Farm, even with occasional visits from vets I do not consider that the vehicle movements would be greater than that of a domestic dwelling with its deliveries and visitors. Therefore, the intensification of the site would cause limited harm to the visual openness of the Green Belt.
13. In comparison to its use as a stable, the proposed dwelling would be lit at night. The appellant contends that light spill would be minimal due to the number of openings and their arrangement and would be mitigated by the proposed planting and its relationship with the existing dwelling to the north. However, there is also likely to be external lighting of the property for example security lighting, which would be visible through gaps in any landscaping. Its proposed use would require lighting over longer periods of time compared to the existing situation where the site would be in darkness for most of the time. This would further change the rural character of the site at night, particularly in the winter months and lead to encroachment of domestic use into the countryside. This would cause limited harm to the visual openness of the Green Belt.
14. Consequently, although small in its extent, the proposal would fail to preserve the openness of the Green Belt.
15. For the reasons above the proposal would be inappropriate development in the Green Belt, which is by definition, harmful. The proposal would fail to preserve the openness of the Green Belt and therefore would be in conflict with paragraph 154 of the Framework.

Character and appearance

16. Policy N24 of the UDP states that where new development proposals about the Green Belt that their assimilation into the landscape must be achieved as part of the scheme. It goes on to state that where existing landscape features would not achieve this, a landscaping scheme will be required to be implemented which deals positively with the transition between development and open land. The stable is located against the background of the mature hedge which bounds the site. Nevertheless, it is physically divorced from Brandon Grange Farm so is visibly within the countryside.
17. A landscaping scheme has been submitted which would provide a mixture of mature specimens, planted in groups. This planting would not be within the red line of the appeal site, although it is within the wider ownership of the appellant. However, as the proposal is for an independent dwelling it is possible that the ownership would be subdivided in the future. Therefore, a condition for the retention and maintenance of landscaping outside of the appeal site would be unenforceable. Even if it would be possible to secure the use of the land for the landscaping, I am not convinced that the proposed grouping of the trees would sufficiently assimilate the site into the landscape.

18. I conclude therefore that the proposal would have a harmful effect on the character and appearance of the area. It would thereby conflict with policy N24 of the UDP as set out above.

Other considerations

19. The proposal would re-use an existing building to provide a new dwelling in a rural area. However, the Council is currently able to demonstrate a housing land supply in excess of five years. Therefore, the proposal would provide a minor contribution to local housing supply and the viability of the local community. This provides modest weight in favour of the proposal.
20. I also acknowledge the benefits of reducing the size of the car park area. This benefit provides minor weight in favour of the proposal.
21. The proposal would not cause harm to the amenity of neighbouring residents and no objections have been raised by third parties. However, these are neutral matters which neither weigh in favour nor against the development.
22. The appellant states that the dwelling would be used by an elderly relative. However, no information has been provided in relation to the nature of this requirement, the need for it to be in this location nor any other very special circumstances which may or may not exist. Therefore, I attribute this limited weight in favour of the appeal.
23. On 30 July 2024 the Government published a consultation on proposed reforms to the Framework. The appellant has referred me to draft paragraph 144 which relates to when Council's should consider it necessary to release Green Belt land for development, by first giving consideration to previously developed land in sustainable locations. The proposed changes have been through public consultation and may be subject to change. I therefore attribute this limited weight.
24. The proposal would be inappropriate development within the Green Belt. In addition, there would be limited harm to openness. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. There would also be harm to the character and appearance of the area which carries significant weight. Taken together, the other considerations put forward provide moderate support for the proposal. Therefore, the benefits do not clearly outweigh the harm to the Green Belt and very special circumstances to justify the development do not exist. The proposal conflicts with policy H2 of the CS and policies GB4, N24 and N33 of the UDP and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.

Conclusion

25. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR